

106TH CONGRESS
1ST SESSION

S. 1801

To provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 1999

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Interest Declassi-
5 fication Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) A comprehensive reform of the management
2 of the classification and declassification of informa-
3 tion is essential but will require additional funding,
4 more technical development, and more coordination
5 by the executive branch.

6 (2) The dissemination of declassified records of
7 permanent historic value that pertain to the national
8 security of the United States is in the public interest
9 and can best be accomplished through continued on-
10 going systematic declassification of classified infor-
11 mation.

12 (3) It is in the national interest to establish an
13 effective, coordinated, and cost-effective means by
14 which records on specific subjects of extraordinary
15 public interest may be collected, retained, reviewed,
16 and disseminated for Congress, policymakers in the
17 executive branch, and the public.

18 (4) Ensuring, through such measures, public
19 access to information that does not require protec-
20 tions is a key to striking the balance between secrecy
21 and the openness that is central to the proper func-
22 tioning of the political institutions of the United
23 States.

1 **SEC. 3. PUBLIC INTEREST DECLASSIFICATION BOARD.**

2 (a) ESTABLISHMENT.—There is established within
3 the National Archives and Records Administration a board
4 to be known as the “Public Interest Declassification
5 Board” (in this Act referred to as the “Board”).

6 (b) PURPOSES.—The purposes of the Board are as
7 follows:

8 (1) To direct and provide, through rec-
9 ommendations to the Archivist of the United States,
10 for the thorough, coordinated, comprehensive, and
11 cost-effective identification, collection, review for de-
12 classification, and release to Congress, interested
13 agencies, and the public of records and materials
14 (including donated historical materials) that are of
15 extraordinary public interest.

16 (2) To provide Congress, interested agencies,
17 and the public with the fullest possible access to a
18 thorough, accurate, and reliable documentary record
19 of significant United States national security deci-
20 sions and significant United States national security
21 activities in order to—

22 (A) support the oversight and legislative
23 functions of Congress;

24 (B) support the policymaking role of the
25 executive branch;

1 (C) respond to the interest of the public in
2 national security matters; and

3 (D) promote reliable historical analysis and
4 new avenues of historical study in national se-
5 curity matters.

6 (c) MEMBERSHIP.—(1)(A) The Board shall be com-
7 posed of nine individuals appointed by the President from
8 among citizens of the United States who are preeminent
9 in the fields of history, national security, foreign policy,
10 social science, law, or archives, including individuals who
11 have served in Congress or otherwise in Federal Govern-
12 ment or have otherwise engaged in research, scholarship,
13 or publication in such fields on matters relating to the na-
14 tional security of the United States.

15 (B) The President shall appoint members of the
16 Board after consideration of recommendations made by
17 appropriate organizations, including the American Histor-
18 ical Association, the Organization of American Historians,
19 the American Political Science Association, the Society of
20 American Archivists, the American Society of Inter-
21 national Law, the Standing Committee on Law and Na-
22 tional Security of the American Bar Association, and the
23 Society for Historians of American Foreign Relations.

24 (C) An officer or employee of the Federal Govern-
25 ment may not serve as a member of the Board.

1 (2)(A) Of the members initially appointed to the
2 Board, three shall be appointed for a term of three years,
3 three shall be appointed for a term of two years, and three
4 shall be appointed for a term of one year.

5 (B) Any subsequent appointment to the Board shall
6 be for a term of three years.

7 (3) A vacancy in the Board shall be filled in the same
8 manner as the original appointment. A member of the
9 Board appointed to fill a vacancy before the expiration of
10 a term shall serve for the remainder of the term.

11 (4) A member of the Board may continue to serve
12 on the Board when the member's term expires until a suc-
13 cessor is appointed.

14 (5) A member of the Board may be appointed to a
15 new term on the Board upon the expiration of the mem-
16 ber's term on the Board, except that no member may serve
17 more than three full terms on the Board.

18 (d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A)
19 The President shall designate one of the members of the
20 Board as the chairperson of the Board.

21 (B) The term of service as chairperson of the Board
22 shall be one year.

23 (C) A member serving as chairperson of the Board
24 may be re-designated as chairperson of the Board upon

1 the expiration of the member's term as chairperson of the
2 Board.

3 (2) The Archivist of the United States shall select
4 the Executive Secretary of the Board.

5 (e) MEETINGS.—The Board shall meet at least quar-
6 terly. A majority of the members of the Board shall con-
7 stitute a quorum.

8 (f) STAFF.—(1) The Chairperson of the Board may,
9 with the concurrence of the Board, appoint such staff of
10 the Board as the Board requires to carry out its duties
11 under this Act.

12 (2) Any employee of the Federal Government may be
13 detailed to the Board, without reimbursement to the de-
14 tailing agency, and such detail shall be without interrup-
15 tion or loss of civil service status or privilege.

16 (g) SECURITY.—(1) The members and staff of the
17 Board shall, as a condition of appointment to or employ-
18 ment with the Board, hold appropriate security clearances
19 for access to the classified records and materials to be re-
20 viewed by the Board and shall follow the guidance and
21 practices on security of the Assistant to the President for
22 National Security Affairs.

23 (2) The head of an agency may, as a condition of
24 granting access by a member or staff of the Board to clas-

1 sified records or materials of the agency under this Act,
2 require the member or staff to—

3 (A) execute an agreement regarding the secu-
4 rity of such records or materials that is approved by
5 the head of the agency; and

6 (B) hold an appropriate security clearance
7 granted or recognized under the standard procedures
8 and eligibility criteria of the agency, including any
9 special access approval required for access to such
10 records or materials.

11 (2) Members and staff of the Board may not use any
12 information acquired in the course of their official activi-
13 ties on the Board for nonofficial purposes.

14 (3) For purposes of any law or regulation governing
15 access to classified information that pertains to the na-
16 tional security of the United States, and subject to any
17 limitations on access arising under section 6(c), a member
18 of the Board seeking access to a record or material under
19 this paragraph shall be deemed to have a need to know
20 the contents of the record or material.

21 (h) COMPENSATION.—(1) Each member of the Board
22 shall receive compensation at a rate not to exceed the daily
23 equivalent of the annual rate of basic pay payable for posi-
24 tions at SES–1 of the Senior Executive Service under sec-
25 tion 5382 of title 5, United States Code, for each day such

1 member is engaged in the actual performance of duties
2 of the Board.

3 (2) Members of the Board shall be allowed travel ex-
4 penses, including per diem in lieu of subsistence at rates
5 authorized for employees of agencies under subchapter 1
6 of chapter 57 of title 5, United States Code, while away
7 from their homes or regular places of business in the per-
8 formance of the duties of the Board.

9 (i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of
10 the President, the Assistant to the President for National
11 Security Affairs shall provide guidance on policy and secu-
12 rity matters to the Board, including guidance and prac-
13 tices on security under subsection (g)(1).

14 (2) The Archivist of the United States shall, in con-
15 sultation with the Assistant to the President for National
16 Security Affairs and the Director of the Office of Manage-
17 ment and Budget, prepare the annual budget for the
18 Board.

19 (j) PUBLIC AVAILABILITY OF RECORDS AND RE-
20 PORTS.—(1) The Board shall make available for public in-
21 spection records of its proceedings and reports prepared
22 in the course of its activities under this Act to the extent
23 such records and reports are not classified and would not
24 be exempt from release under the provisions of section 552
25 of title 5, United States Code.

1 (2) In making records and reports available under
 2 paragraph (1), the Board shall coordinate the release of
 3 such records and reports with appropriate officials from
 4 agencies with expertise in classified information in order
 5 to ensure that such records and reports do not inadvert-
 6 ently contain classified information.

7 (k) INAPPLICABILITY OF FACCA.—The provisions of
 8 the Federal Advisory Committee Act (5 U.S.C. App.) shall
 9 not apply to the activities of the Board under this Act.

10 **SEC. 4. IDENTIFICATION, COLLECTION, AND REVIEW FOR**
 11 **DECLASSIFICATION OF INFORMATION OF EX-**
 12 **TRAORDINARY PUBLIC INTEREST.**

13 (a) RECOMMENDATIONS.—(1) The Board may rec-
 14 ommend to the Archivist of the United States that an
 15 agency or Federal Presidential library be directed to carry
 16 out an activity specified in paragraph (2) with respect to
 17 records or materials that the Board determines are
 18 records or materials (including donated historical mate-
 19 rials) of extraordinary public interest for purposes of the
 20 release of such records or materials to the public or the
 21 provision of such records or materials to Congress or pol-
 22 icymakers in the executive branch.

23 (2) The activities that may be recommended by the
 24 Board under paragraph (1) are the following:

25 (A) Identification of records or materials.

1 (B) Collection of records or materials.

2 (C) Review for declassification of records or
3 materials.

4 (D) Any combination of activities specified in
5 subparagraphs (A) through (C).

6 (3) In making recommendations under paragraph
7 (1), the Board shall consider the following:

8 (A) The opinions and requests of Members of
9 Congress, including opinions and requests expressed
10 or embodied in letters or legislative proposals.

11 (B) The opinions and requests of the National
12 Security Council and of the heads of agencies.

13 (C) The opinions of United States citizens.

14 (D) The opinions of individual members of the
15 Board.

16 (E) In the case of unscheduled or temporary
17 records or materials, the assessment of the Archivist
18 of the United States as to the value of identifying,
19 collecting, and conducting declassification reviews of
20 such records or materials.

21 (4) The Board shall, subject to the policy, budgetary,
22 and security guidance provided under section 3, establish
23 such priorities as the Board considers appropriate for pur-
24 poses of this section.

1 (5) The Board should establish liaisons, and may con-
2 sult, with such other historical advisory committees, in-
3 cluding panels and boards created under statute, or agen-
4 cy directive, concerned with the identification, collection,
5 and review for declassification of classified information as
6 the Board considers appropriate for purposes of this Act.

7 (b) ORDERS.—(1) The Archivist of the United States,
8 or the designee of the Archivist, shall, in consultation with
9 the Assistant to the President for National Security Af-
10 fairs, consider each recommendation made by the Board
11 under subsection (a).

12 (2) If the Archivist accepts a recommendation of the
13 Board under subsection (a), the Archivist shall order that
14 the actions contained in the recommendation be taken.

15 (3) If the Archivist does not accept a recommendation
16 of the Board under subsection (a), the Board shall notify
17 Congress of the lack of acceptance of the recommendation
18 in a report under section 6(f)(2).

19 (c) COMPLIANCE WITH ORDERS.—(1) Except as oth-
20 erwise provided in section 5(a) or 6(c), and subject to the
21 availability of funds under section 8, an agency or Federal
22 Presidential library shall comply with an order made to
23 the agency or library, as the case may be, under subsection
24 (b).

1 (2)(A) If an order to an agency or Federal Presi-
2 dential library under subsection (b) requires a review for
3 declassification of records or materials originated by an-
4 other agency, the agency or library, as the case may be,
5 shall refer such records or materials to such other agency
6 for review in accordance with the order.

7 (B) The actions of an agency referred records or ma-
8 terials under subparagraph (A) shall be subject to the
9 terms of the order relating to such records or materials
10 and to limitations relating to funding under section 8.

11 (3)(A) The Board shall, through the head of an agen-
12 cy or Federal Presidential library given an order under
13 subsection (b), provide oversight of any identification, col-
14 lection, or review of records or materials ordered under
15 that subsection.

16 (B) In providing oversight of identification, collection,
17 or review under this paragraph, the Board shall, in con-
18 sultation with the Archivist of the United States, take ap-
19 propriate actions to ensure that such activities preserve
20 the archival integrity of the records or materials involved.

21 (d) RELEASE OF UNCLASSIFIED AND DECLASSIFIED
22 INFORMATION.—An agency or Federal Presidential li-
23 brary that undertakes a review for declassification of
24 records or materials under an order under this section
25 shall release any unclassified records or materials identi-

1 fied, or classified records or materials that are declas-
2 sified, as a result of the review.

3 **SEC. 5. PROTECTION OF NATIONAL SECURITY INFORMA-**
4 **TION AND OTHER INFORMATION.**

5 (a) IN GENERAL.—Nothing in this Act shall be con-
6 strued to limit the authority of the head of an agency to
7 classify information or to continue the classification of in-
8 formation previously classified by an agency.

9 (b) SPECIAL ACCESS PROGRAMS.—Nothing in this
10 Act shall be construed to limit the authority of the head
11 of an agency to grant or deny access to a special access
12 program.

13 (c) EXEMPTIONS AND EXCEPTIONS TO RELEASE OF
14 INFORMATION.—Nothing in this Act shall be construed to
15 limit any exemption or exception to the release to the pub-
16 lic under this Act of information that is protected under
17 section 552(b) of title 5, United States Code (commonly
18 referred to as the Freedom of Information Act), or section
19 552a of title 5, United States Code (commonly referred
20 to as the Privacy Act).

21 (d) WITHHOLDING INFORMATION FROM CON-
22 GRESS.—Nothing in this Act shall be construed to author-
23 ize the withholding of information from Congress.

1 **SEC. 6. STANDARDS AND PROCEDURES FOR IDENTIFICA-**
2 **TION, COLLECTION, AND REVIEW OF INFOR-**
3 **MATION.**

4 (a) STANDARDS AND PROCEDURES.—(1) Not later
5 than 180 days after the date of the enactment of this Act,
6 each agency and Federal Presidential library that pos-
7 sesses or controls classified records or materials shall de-
8 velop standards and procedures for access to such records
9 and materials by the Board and by the employee of such
10 agency or library, as the case may be, designated to serve
11 as liaison to the Board under subsection (b).

12 (2) The standards and procedures developed by an
13 agency or Federal Presidential library under paragraph
14 (1) shall include provisions to achieve the following:

15 (A) To forward to the Board for its consider-
16 ation under this Act any request, or if appropriate
17 notice of a request, other than a request under sec-
18 tion 552 or 552a of title 5, United States Code,
19 from outside the agency or library, as the case may
20 be, for the identification, collection, or review for de-
21 classification of records or materials, or for other
22 provision with respect to records or materials, that
23 are records or materials of extraordinary public in-
24 terest.

25 (B) To coordinate with the Board in estab-
26 lishing priorities for the identification, collection,

1 and review of records and materials under orders
2 under section 4(b).

3 (C) To provide that the employee who is des-
4 ignated as the liaison to the Board—

5 (i) is designated in consultation with the
6 Board; and

7 (ii) is eligible under the procedures and eli-
8 gibility criteria of the agency or library, as the
9 case may be, for access to any records and ma-
10 terials covered by an order under section 4(b).

11 (D) To permit access by the employee des-
12 ignated to serve as the liaison to the Board to any
13 classified records or materials originated or con-
14 trolled by the agency or library, as the case may be,
15 to which access has not been denied or restricted
16 under subsection (c), which has not otherwise been
17 exempted from review under that subsection or
18 under this Act, or that are not controlled under a
19 special access program to which the head of the
20 agency has denied or restricted access.

21 (E) To permit access by members and staff of
22 the Board to records or materials covered by an
23 order under section 4(b) to which access has not
24 been denied or restricted under subsection (c), which
25 has not otherwise been exempted from review under

1 that subsection or under this Act, or that are not
2 controlled under a special access program to which
3 the head of the agency has denied or restricted ac-
4 cess.

5 (F) To notify the Board of the completion of
6 compliance with an order under section 4(b), includ-
7 ing instances when access to records or materials is
8 denied or restricted under subsection (c) or records
9 or materials are otherwise exempted from review
10 under that subsection or under this Act.

11 (b) DESIGNATION OF LIAISON TO BOARD.—The head
12 of each agency and Federal Presidential library shall des-
13 ignate an employee of such agency or library, as the case
14 may be, to act as liaison to the Board for purposes of
15 this Act.

16 (c) LIMITATIONS ON ACCESS.—If the head of an
17 agency or Federal Presidential library determines it nec-
18 essary to deny or restrict access by the Board, or by the
19 agency or library liaison to the Board, to information con-
20 tained in a record or material, in whole or in part, or to
21 exempt any record or material from identification, collec-
22 tion, or review under this Act, the head of the agency or
23 library, as the case may be, shall promptly notify the
24 Board in writing of such determination. Each such notice
25 shall include a description of the nature of the records or

1 materials, and a justification for the determination, cov-
2 ered by such notice.

3 (d) RECONSIDERATION.—(1) The Board may request
4 the reconsideration by the head of an agency or Federal
5 Presidential library of a determination made by the head
6 of the agency or library, as the case may be, under sub-
7 section (c). Such a request may not be made sooner than
8 two years after the date of the determination in question.

9 (2) To accommodate a request under paragraph (1)
10 for reconsideration of a determination regarding records
11 or materials, the head of the agency or Federal Presi-
12 dential library making the determination shall maintain
13 an appropriate record of the results of any review of the
14 records or materials covered by the determination and, to
15 the extent records and materials have been identified as
16 part of the review upon which the determination is based,
17 shall tag, index, physically set aside, or otherwise enable
18 the ready retrieval of such records or materials.

19 (e) DISCRETION TO DISCLOSE.—At the conclusion of
20 a declassification review, or upon a request by the Board
21 for reevaluation under subsection (c), the head of an agen-
22 cy or Federal Presidential library may, in his discretion,
23 determine that the public's interest in disclosure of records
24 or materials covered by such review or request, and still
25 properly classified, outweighs the Government's need to

1 protect such records or materials. In such case, the head
2 of the agency or library, as the case may be, may release
3 such records or materials.

4 (f) REPORTS.—(1) The Board shall annually submit
5 to the appropriate congressional committees a report on
6 the activities of the Board under this Act.

7 (2) The Board shall submit to the appropriate con-
8 gressional committees a report on the following:

9 (A) Any denial by the head of an agency or
10 Federal Presidential library of access for the Board
11 to records or materials under this Act.

12 (B) Any failure or refusal by the Archivist of
13 the United States to accept a recommendation of the
14 Board under section 4(a).

15 (3) In this subsection, the term “appropriate congres-
16 sional committees” means the Select Committee on Intel-
17 ligence of the Senate and the Permanent Select Committee
18 on Intelligence of the House of Representatives.

19 **SEC. 7. JUDICIAL REVIEW.**

20 Nothing in this Act limits the protection afforded to
21 any information under any other provisions of law. This
22 Act is not intended and should not be construed to create
23 any right or benefit, substantive or procedural, enforceable
24 at law against the United States, its agencies, its officers,
25 or its employees. This Act does not modify in any way

1 the substantive criteria or procedures for the classification
2 of information, nor does this Act create any right or ben-
3 efit subject to judicial review.

4 **SEC. 8. FUNDING.**

5 (a) **FUNDING REQUESTS.**—The President shall in-
6 clude in the budget submission to Congress for each fiscal
7 year under section 1105 of title 31, United States Code,
8 a request for amounts for the activities of the Board under
9 this Act during such fiscal year, including amounts to be
10 transferred to agencies and Federal Presidential libraries
11 for activities in compliance with orders under section 4.
12 Such amounts shall be included in amounts requested for
13 the National Archives and Records Administration for the
14 fiscal year concerned, and shall be stated as a separate
15 item among the amounts requested for the Administration
16 for such fiscal year.

17 (b) **ESTIMATE OF AGENCY AND LIBRARY EX-**
18 **PENSES.**—(1)(A) An agency or Federal Presidential li-
19 brary receiving an order from the Archivist of the United
20 States under section 4(b) shall provide the Board an esti-
21 mate of the costs, and of the time, required for compliance
22 with the order.

23 (B) If an order covers records or materials to be re-
24 ferred to another agency for review under section 4(c)(2),
25 the estimate under this paragraph shall include, and shall

1 set forth separately, the estimate of such other agency of
2 the costs and time required for the compliance of such
3 other agency with the portion of the order applicable to
4 such other agency.

5 (2) Upon receipt of an estimate of costs from an
6 agency or Federal Presidential library under paragraph
7 (1), the Board shall determine the amount of funds re-
8 quired by the agency or library, as the case may be, to
9 comply with the order concerned under section 4(b). Such
10 determination shall take into account the estimate of costs
11 upon which the determination is based.

12 (3) Upon determining the amount of funds required
13 by an agency or Federal Presidential library under para-
14 graph (2), the Board shall submit to the Archivist a rec-
15 ommendation that the Archivist transfer to the agency or
16 library, as the case may be, an amount of funds equal to
17 the amount determined under that paragraph.

18 (c) TRANSFERS OF FUNDS.—(1) The Archivist of the
19 United States shall transfer to an agency or Federal Pres-
20 idential library for purposes of the activities of the agency
21 or library, as the case may be, under an order under sec-
22 tion 4(b) an amount equal to the amount recommended
23 to be transferred with respect to the order under sub-
24 section (b)(3).

1 (2) Amounts transferred under paragraph (1) shall
2 be derived from amounts appropriated for the Board for
3 purposes of this Act.

4 (d) USE OF FUNDS.—(1) An agency or Federal Pres-
5 idential library shall use funds transferred to the agency
6 or library, as the case may be, under subsection (c) for
7 purposes of compliance with an order under section 4(b).

8 (2)(A) An agency or Federal Presidential library
9 shall not be required to comply with an order under sec-
10 tion 4(b) until the agency or library, as the case may be,
11 receives funds under subsection (c) that are sufficient to
12 permit the agency or library, as the case may be, to comply
13 with the order.

14 (B) If the funds transferred to an agency or Federal
15 Presidential library under subsection (c) are not sufficient
16 for compliance with an order under section 4(b), the agen-
17 cy or library, as the case may be, shall hold compliance
18 in abeyance until such time as sufficient funds are trans-
19 ferred from the Board to the agency or library, as the
20 case may be.

21 (C) The Board may recommend to the Archivist of
22 the United States that additional funds be transferred
23 from the Board to an agency or Federal Presidential li-
24 brary to ensure compliance with an order under section
25 4(b). The Archivist shall treat a recommendation under

1 this subparagraph as a recommendation for purposes of
2 subsection (c).

3 (3)(A) If the costs incurred by an agency or Federal
4 Presidential library to comply with an order under section
5 4(b) are less than the amounts transferred to the agency
6 or library, as the case may be, under subsection (c), the
7 agency or library, as the case may be, shall transfer any
8 funds not required to comply with the order to the Na-
9 tional Archives and Records Administration.

10 (B) Any funds transferred to the Administration
11 under subparagraph (A) shall be merged with funds in the
12 appropriation or account providing funds for the Board
13 for purposes of this Act, and shall be available to the same
14 extent, and subject to the same limitations, as funds in
15 such appropriation or account are available for the Board.

16 **SEC. 9. DEFINITIONS.**

17 In this Act:

18 (1) AGENCY.—(A) Except as provided in sub-
19 paragraph (B), the term “agency” means the fol-
20 lowing:

21 (i) An executive agency as that term is de-
22 fined in section 105 of title 5, United States
23 Code.

24 (ii) A military department as that term is
25 defined in section 102 of such title.

1 (iii) Any other entity in the executive
2 branch that comes into possession of classified
3 information.

4 (B) The term does not include the Board.

5 (2) CLASSIFIED MATERIAL OR RECORD.—The
6 terms “classified material” and “classified record”
7 include any correspondence, memorandum, book,
8 plan, map, drawing, diagram, pictorial or graphic
9 work, photograph, film, microfilm, sound recording,
10 videotape, machine readable records, and other docu-
11 mentary material, regardless of physical form or
12 characteristics, that has been determined pursuant
13 to Executive order to require protection against un-
14 authorized disclosure in the interests of the national
15 security of the United States.

16 (3) DECLASSIFICATION.—The term “declas-
17 sification” means the process by which records or
18 materials that have been classified are determined
19 no longer to require protection from unauthorized
20 disclosure to protect the national security of the
21 United States.

22 (4) DONATED HISTORICAL MATERIAL.—The
23 term “donated historical material” means collections
24 of personal papers donated or given to a Federal

1 Presidential library or other archival repository
2 under a deed of gift or otherwise.

3 (5) FEDERAL PRESIDENTIAL LIBRARY.—The
4 term “Federal Presidential library” means a library
5 operated and maintained by the United States Gov-
6 ernment through the National Archives and Records
7 Administration under the applicable provisions of
8 chapter 21 of title 44, United States Code.

9 (6) NATIONAL SECURITY.—The term “national
10 security” means the national defense or foreign rela-
11 tions of the United States.

12 (7) RECORDS OR MATERIALS OF EXTRAOR-
13 DINARY PUBLIC INTEREST.—The term “records or
14 materials of extraordinary public interest” means
15 records or materials that—

16 (A) demonstrate and record the national
17 security policies, actions, and decisions of the
18 United States, including—

19 (i) policies, events, actions, and deci-
20 sions which led to significant national se-
21 curity outcomes;

22 (ii) the collection and analysis of espe-
23 cially important intelligence; and

1 (iii) the development and evolution of
2 significant United States national security
3 policies, actions, and decisions;

4 (B) will provide a significantly different
5 perspective in general from records and mate-
6 rials publicly available in other historical
7 sources; and

8 (C) are, or are likely to be, of extraor-
9 dinary interest to the public, its elected rep-
10 resentatives, or policymakers in the executive
11 branch.

○